

**IN THE COURT OF CRIMINAL APPEALS  
OF THE STATE OF TEXAS  
PD-0894-18**

FILED  
COURT OF CRIMINAL APPEALS  
2/20/2019  
DEANA WILLIAMSON, CLERK

**VITH LOCH**

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§

**VS.**

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**THE STATE OF TEXAS**

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On Petition for Review of  
No. 01-16-00438-CR  
Court of Appeals  
First District of Texas

**APPELLANT'S RESPONSE TO COURT'S NOTICE and  
MOTION TO EXTEND TIME**

Due to a calendaring error, counsel for Vith Loch missed the deadline for filing Appellant's brief in this case. Counsel takes full responsibility for this error and extends a sincere apology to the Court. Going forward, counsel is setting up administrative and technical assistance with maintaining the calendar for clients' cases pending in this Court, to avoid further errors. Counsel is most grateful to the Court for sending notice and providing an opportunity to file the brief before issuing a show-cause order.

Respectfully, in response to the Court's notice to file the brief immediately with a motion to extend, counsel advises that she is scheduled to speak at the Appeals and Writs Seminar sponsored by the Texas Criminal Defense Lawyers Association tomorrow, February 21, 2019, in Austin. Accordingly, counsel requests an extension of time to Wednesday, February 27, 2019 to complete Appellant's brief. This request is sought in the interest of justice for Appellant, who is in no way responsible for counsel's error.

PRAYER

Appellant respectfully requests that the motion be granted and that the Court permit an extension of time until February 27, 2019 for counsel to file Appellant's brief.

Respectfully submitted,

**ALEXANDER BUNIN**

Chief Public Defender

Harris County Texas

*/s/ Cheri Duncan*

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**CHERI DUNCAN**

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Attorney for Appellant,

Vith Loch

**CERTIFICATE OF SERVICE**

I certify that a copy of Appellant's Motion to Extend Time to File Reply to Petition for Discretionary Review was served electronically on the Appellate Division of the Harris County District Attorney's Office and the State Prosecuting Attorney February 20, 2019.

*/s/ Cheri Duncan*

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**CHERI DUNCAN**